



February 26, 2016

ENGROSSED

SENATE BILL No. 334

DIGEST OF SB 334 (Updated February 25, 2016 9:14 am - DI 116)

Citations Affected: IC 20-26; IC 20-43; IC 20-51; IC 31-33; IC 35-50; noncode.

Synopsis: Various education matters. Provides that the department shall make random visits to at least 5% of eligible schools and charter schools during a particular school year. (Current law provides that the department shall make random visits to at least 5% of eligible schools.) Specifies that if a choice scholarship student changes schools during the school year after the December 1 count of special education pupils, any choice scholarship amounts paid to the choice scholarship student for the remainder of the school year after the choice scholarship student enrolls in a different eligible school shall not include amounts that a school corporation would receive as a special education grant for the choice scholarship student. Removes a provision that provides that if the eligible choice scholarship student leaves the eligible school for which the eligible choice scholarship student was awarded a choice scholarship and enrolls in another eligible school, the eligible choice

(Continued next page)

Effective: Upon passage; July 1, 2016; July 1, 2017.

Yoder, Kruse, Rogers, Alting, Banks

(HOUSE SPONSORS — DEVON, HUSTON, BROWN T, LEHMAN)

January 7, 2016, read first time and referred to Committee on Education & Career Development.

January 21, 2016, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

January 28, 2016, amended, reported favorably — Do Pass.

February 1, 2016, read second time, amended, ordered engrossed.

February 2, 2016, engrossed.

February 3, 2016, read third time, passed. Yeas 40, nays 9.

HOUSE ACTION

February 9, 2016, read first time and referred to Committee on Education.

February 25, 2016, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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scholarship student is responsible for the payment of any tuition required for the remainder of that school year. Provides that the department of education (department) shall accept applications for choice scholarship students from September 2 through January 15 for the spring semester of the current school year. Provides that, for the distribution to be valid, the eligible choice scholarship student (or the parent of the eligible choice scholarship student) and the eligible school providing educational services to the eligible choice scholarship student must annually sign a form, prescribed by the state board to endorse distributions for the particular school year. Provides that if a choice scholarship student who is receiving a choice scholarship for a school year changes schools after signing the form to endorse distributions for that school year, the choice scholarship student (or the parent of the choice scholarship student) and the eligible school in which the choice scholarship student enrolls must sign the form to endorse distributions for the particular school year. Removes references to charter schools and public schools from the provisions relating to the choice scholarship program. Provides that, beginning with the state fiscal year beginning July 1, 2017, special education grants shall be calculated using a fall and spring count date. Provides that a student who enrolls in an eligible choice scholarship school after June 30, 2017, during the spring semester may include amounts that a school corporation would receive for special education grants for the eligible choice scholarship student if the eligible choice scholarship student attended the school corporation. during the spring semester. Provides that, notwithstanding a confidentiality agreement, a school that receives a request for an employment reference for a current or former employee, from another school, shall disclose to the requesting school any incident, known by the school, in which the employee has committed an act resulting in a substantiated report of abuse or neglect. Provides that a school shall not disclose any identifying information concerning a student. Provides that a confidentiality agreement entered into by a school and an employee is not enforceable against the school if the employee committed an act resulting in a substantiated report of abuse or neglect. Provides that the individual in charge of an institution, school, facility, or agency that receives a report of child abuse or neglect shall immediately report the allegation to the department of child services or local law enforcement. Provides that a judge shall provide notification to the state superintendent of instruction and certain school administrators if a person is convicted of certain crimes and is a teacher. Requires schools to conduct checks whether applicants have been the subject of reports of committing child abuse or neglect or had a teacher's license suspended or revoked in another state. Provides that a nonpublic school with one or more employees is required to adopt and implement a policy for applicants to obtain a background check. Urges the legislative council to assign to the appropriate study committee ways to reduce school sexual misconduct violations and methods of improving the reporting requirements of sexual misconduct violations in schools. Makes technical corrections.



February 26, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 334

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-26-2-1.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]: **Sec. 1.3. "Expanded child protection index check" means:**
4 **(1) an inquiry with the department of child services as to**
5 **whether an individual has been the subject of a substantiated**
6 **report of child abuse or neglect and is listed in the child**
7 **protection index established under IC 31-33-26-2;**
8 **(2) an inquiry with the child welfare agency of each state in**
9 **which the individual has resided since the individual became**
10 **eighteen (18) years of age as to whether there are any**
11 **substantiated reports that the individual has committed child**
12 **abuse or neglect; and**
13 **(3) for a certificated employee, an inquiry with the**
14 **department of education or other entity that may issue a**
15 **license to teach of each state in which the individual has**
16 **resided since the individual became eighteen (18) years of age**
17 **as to whether the individual has ever had a teaching license**

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1 **suspended or revoked.**

2 SECTION 2. IC 20-26-5-10, AS AMENDED BY P.L.121-2009,
3 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2016]: Sec. 10. **(a) This section applies to a:**

5 **(1) school corporation;**

6 **(2) charter school; or**

7 **(2) a nonpublic school that employs one (1) or more**
8 **employees.**

9 ~~(a)~~ **(b)** A school corporation, including a charter school and ~~an~~
10 ~~accredited~~ a nonpublic school, shall adopt a policy concerning criminal
11 history information for individuals who:

12 **(1) apply for:**

13 **(A) employment with the school corporation, charter school,**
14 **or nonpublic school; or**

15 **(B) employment with an entity with which the school**
16 **corporation, charter school, or nonpublic school contracts**
17 **for services;**

18 **(2) seek to enter into a contract to provide services to the school**
19 **corporation, charter school, or nonpublic school; or**

20 **(3) are employed by an entity that seeks to enter into a contract to**
21 **provide services to the school corporation, charter school, or**
22 **nonpublic school;**

23 if the individuals are likely to have direct, ongoing contact with
24 children within the scope of the individuals' employment.

25 ~~(b)~~ **(c)** A school corporation, including a charter school and ~~an~~
26 ~~accredited~~ a nonpublic school, shall administer a policy adopted under
27 this section uniformly for all individuals to whom the policy applies. A
28 policy adopted under this section must require that the school
29 corporation, charter school, or ~~accredited~~ nonpublic school conduct an
30 expanded criminal history check **and an expanded child protection**
31 **index check** concerning each applicant for noncertificated employment
32 or certificated employment before or not later than three (3) months
33 after the applicant's employment by the school corporation, charter
34 school, or ~~accredited~~ nonpublic school. Each individual hired for
35 noncertificated employment or certificated employment may be
36 required to provide a written consent for the school corporation, charter
37 school, or ~~accredited~~ nonpublic school to request an expanded criminal
38 history check **and an expanded child protection index check**
39 concerning the individual before or not later than three (3) months after
40 the individual's employment by the school corporation **or school.** The
41 school corporation, charter school, or ~~accredited~~ nonpublic school may
42 require the individual to provide a set of fingerprints and pay any fees



required for the expanded criminal history check **and expanded child protection index check**. Each applicant for noncertificated employment or certificated employment may be required at the time the individual applies to answer questions concerning the individual's expanded criminal history check **and expanded child protection index check**. The failure to answer honestly questions asked under this subsection is grounds for termination of the employee's employment. The applicant is responsible for all costs associated with obtaining the expanded criminal history check **and expanded child protection index check**. An applicant may not be required by a school corporation, charter school, or ~~accredited~~ nonpublic school to obtain an expanded criminal history check **or an expanded child protection index check** more than one (1) time during a five (5) year period.

(c) (d) Information obtained under this section must be used in accordance with law.

SECTION 3. IC 20-26-5-11, AS AMENDED BY P.L.233-2015, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) This section applies to:

- (1) a school corporation;
- (2) a charter school; and
- (3) an entity:
 - (A) with which the school corporation contracts for services; and
 - (B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A sex offense under IC 35-42-4.



(11) Carjacking (IC 35-42-5-2) (repealed).

(12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(13) Incest (IC 35-46-1-3).

(14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(15) Child selling (IC 35-46-1-4(d)).

(16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(21) An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

(c) An individual employed by a school corporation, charter school, or an entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

(d) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning



1 an individual being the subject of a substantiated report of child
 2 abuse or neglect as grounds to not employ or contract with the
 3 individual.

4 (e) An individual employed by a school corporation, charter
 5 school, or entity described in subsection (a) shall notify the
 6 governing body of the school corporation, if during the course of
 7 the individual's employment, the individual is the subject of a
 8 substantiated report of child abuse or neglect.

9 SECTION 4. IC 20-26-5-11.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2016]: Sec. 11.5. (a) As used in this section,
 12 "school" includes:

- 13 (1) a charter school, as defined in IC 20-24-1-4;
- 14 (2) a nonpublic school, as defined in IC 20-18-2-12, that
- 15 employs one (1) or more employees;
- 16 (3) a public school, as defined in IC 20-18-2-15(1); and
- 17 (4) an entity in another state that carries out a function
- 18 similar to an entity described in subdivisions (1) through (3).

19 (b) Notwithstanding any confidentiality agreement entered into
 20 by a school and an employee of the school, a school that receives a
 21 request for an employment reference, from another school, for a
 22 current or former employee, shall disclose to the requesting school
 23 any incident known by the school in which the employee committed
 24 an act resulting in a substantiated report of abuse or neglect under
 25 IC 31-6 (before its repeal) or IC 31-33.

26 (c) A school may not disclose information under this section
 27 that:

- 28 (1) identifies a student; or
- 29 (2) is confidential student information under the federal
- 30 Family Education Rights and Privacy Act (20 U.S.C. 1232g et
- 31 seq.).

32 (d) A confidentiality agreement entered into or amended after
 33 June 30, 2016, by a school and an employee is not enforceable
 34 against the school if the employee committed an act resulting in a
 35 substantiated report of abuse or neglect under IC 31-6 (before its
 36 repeal) or IC 31-33.

37 SECTION 5. IC 20-43-7-1, AS AMENDED BY P.L.205-2013,
 38 SECTION 290, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) In addition to the amount a
 40 school corporation is entitled to receive in basic tuition support, each
 41 school corporation is entitled to receive a grant for special education
 42 programs for the state fiscal year. Subject to subsections (b) and (c), the



amount of the special education grant is based on the count of eligible pupils enrolled in special education programs on December 1 of the preceding state fiscal year in:

(1) the school corporation; or

(2) a transferee corporation.

(b) Before February 1 of each calendar year, the department shall determine the result of:

(1) the total amount of the special education grant that would have been received by the school corporation during the months of July, August, September, October, November, and December of the preceding calendar year and January of the current calendar year if the grant had been based on the count of students with disabilities that was made on the immediately preceding December 1; minus

(2) the total amount of the special education grant received by the school corporation during the months of July, August, September, October, November, and December of the preceding calendar year and January of the current calendar year.

If the result determined under this subsection is positive, the school corporation shall receive an additional special education grant distribution in February equal to the result determined under this subsection. If the result determined under this subsection is negative, the special education grant distributions that otherwise would be received by the school corporation in February, March, April, and May shall be proportionately reduced so that the total reduction is equal to the result determined under this subsection.

(c) The special education grant distributions made in February, March, April, May, and June of a calendar year shall be based on the count of students with disabilities that was made on the immediately preceding December 1.

(d) After June 30, 2016, in addition to the December 1 count, a second count of eligible pupils enrolled in special education programs shall be conducted. The count must be in the spring semester on a date fixed by the state board. The spring count of eligible students shall be used for informational purposes and is not used to calculate grant amounts under this chapter.

SECTION 6. IC 20-43-7-5, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) In a school corporation's cumulative count of pupils in homebound programs, a school corporation shall count each pupil who received homebound instruction up to and including December 1 of the current year plus each pupil who received



homebound instruction after December 1 of the prior school year.

(b) This subsection applies to a state fiscal year starting after June 30, 2016. In addition to the cumulative count described in subsection (a), a school corporation shall conduct a cumulative count of pupils in homebound programs for informational purposes and is not used to calculate grants under this chapter. In a school corporation's informational cumulative count of pupils in homebound programs, a school corporation shall count each pupil who received homebound instruction:

(1) for the December 1 count, up to and including the December 1 count date of the current year plus each pupil who received homebound instruction after the spring count date of the prior school year; and

(2) for the spring count, up to and including the spring count date of the current year plus each pupil who received homebound instruction after the December 1 count date of the current school year.

(c) A school corporation may include a pupil in the school corporation's cumulative count of pupils in homebound programs even if the pupil also is included in the school corporation's:

(1) nonduplicated count of pupils in programs for severe disabilities;

(2) nonduplicated count of pupils in programs for mild and moderate disabilities; or

(3) duplicated count of pupils in programs for communication disorders.

SECTION 7. IC 20-51-4-1, AS ADDED BY P.L.92-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided under subsections (b) through (h), it is the intent of the general assembly to honor the autonomy of nonpublic schools that choose to become eligible schools under this chapter. A nonpublic eligible school is not an agent of the state or federal government, and therefore:

(1) the department or any other state agency may not in any way regulate the educational program of a nonpublic eligible school that accepts a choice scholarship under this chapter, including the regulation of curriculum content, religious instruction or activities, classroom teaching, teacher and staff hiring requirements, and other activities carried out by the eligible school;

(2) the creation of the choice scholarship program does not expand the regulatory authority of the state, the state's officers, or



a school corporation to impose additional regulation of nonpublic schools beyond those necessary to enforce the requirements of the choice scholarship program in place on July 1, 2011; and
 (3) a nonpublic eligible school shall be given the freedom to provide for the educational needs of students without governmental control.

(b) This section applies to the following writings, documents, and records:

- (1) The Constitution of the United States.
- (2) The national motto.
- (3) The national anthem.
- (4) The Pledge of Allegiance.
- (5) The Constitution of the State of Indiana.
- (6) The Declaration of Independence.
- (7) The Mayflower Compact.
- (8) The Federalist Papers.
- (9) "Common Sense" by Thomas Paine.
- (10) The writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States.
- (11) United States Supreme Court decisions.
- (12) Executive orders of the presidents of the United States.
- (13) Frederick ~~Douglas~~ **Douglass's** speech at Rochester, New York, on July 5, 1852, entitled "What to ~~a~~ **the** Slave is the Fourth of July?".
- (14) "Appeal" by David Walker.
- (15) Chief Seattle's letter to the United States government in 1852 in response to the United States government's inquiry regarding the purchase of tribal lands.

(c) An eligible school may allow a principal or teacher in the eligible school to read or post in the school building or classroom or at a school event any excerpt or part of a writing, document, or record listed in subsection (b).

(d) An eligible school may not permit the content based censorship of American history or heritage based on religious references in a writing, document, or record listed in subsection (b).

(e) A library, a media center, or an equivalent facility that an eligible school maintains for student use must contain in the facility's permanent collection at least one (1) copy of each writing or document listed in subsection (b)(1) through (b)(9).

(f) An eligible school shall do the following:

- (1) Allow a student to include a reference to a writing, document, or record listed in subsection (b) in a report or other work product.



- 1 (2) May not punish the student in any way, including a reduction
- 2 in grade, for using the reference.
- 3 (3) Display the United States flag in each classroom.
- 4 (4) Provide a daily opportunity for students to voluntarily recite
- 5 the Pledge of Allegiance in each classroom or on school grounds.
- 6 A student is exempt from participation in the Pledge of
- 7 Allegiance and may not be required to participate in the Pledge of
- 8 Allegiance if:
- 9 (A) the student chooses to not participate; or
- 10 (B) the student's parent chooses to have the student not
- 11 participate.
- 12 (5) Provide instruction on the constitutions of:
- 13 (A) Indiana; and
- 14 (B) the United States.
- 15 (6) For an eligible school that enrolls students in grades 6 through
- 16 12, provide within the two (2) weeks preceding a general election
- 17 five (5) full recitation periods of class discussion concerning:
- 18 (A) the system of government in Indiana and in the United
- 19 States;
- 20 (B) methods of voting;
- 21 (C) party structures;
- 22 (D) election laws; and
- 23 (E) the responsibilities of citizen participation in government
- 24 and in elections.
- 25 (7) Require that each teacher employed by the eligible school
- 26 present instruction with special emphasis on:
- 27 (A) honesty;
- 28 (B) morality;
- 29 (C) courtesy;
- 30 (D) obedience to law;
- 31 (E) respect for the national flag and the Constitution of the
- 32 State of Indiana and the Constitution of the United States;
- 33 (F) respect for parents and the home;
- 34 (G) the dignity and necessity of honest labor; and
- 35 (H) other lessons of a steadying influence that tend to promote
- 36 and develop an upright and desirable citizenry.
- 37 (8) Provide good citizenship instruction that stresses the nature
- 38 and importance of the following:
- 39 (A) Being honest and truthful.
- 40 (B) Respecting authority.
- 41 (C) Respecting the property of others.
- 42 (D) Always doing the student's personal best.



- 1 (E) Not stealing.
- 2 (F) Possessing the skills (including methods of conflict
- 3 resolution) necessary to live peaceably in society and not
- 4 resorting to violence to settle disputes.
- 5 (G) Taking personal responsibility for obligations to family
- 6 and community.
- 7 (H) Taking personal responsibility for earning a livelihood.
- 8 (I) Treating others the way the student would want to be
- 9 treated.
- 10 (J) Respecting the national flag, the Constitution of the United
- 11 States, and the Constitution of the State of Indiana.
- 12 (K) Respecting the student's parents and home.
- 13 (L) Respecting the student's self.
- 14 (M) Respecting the rights of others to have their own views
- 15 and religious beliefs.
- 16 (9) Provide instruction in the following studies:
- 17 (A) Language arts, including:
- 18 (i) English;
- 19 (ii) grammar;
- 20 (iii) composition;
- 21 (iv) speech; and
- 22 (v) second languages.
- 23 (B) Mathematics.
- 24 (C) Social studies and citizenship, including the:
- 25 (i) constitutions;
- 26 (ii) governmental systems; and
- 27 (iii) histories;
- 28 of Indiana and the United States, including a study of the
- 29 Holocaust and the role religious extremism played in the
- 30 events of September 11, 2001, in each high school United
- 31 States history course.
- 32 (D) Sciences.
- 33 (E) Fine arts, including music and art.
- 34 (F) Health education, physical fitness, safety, and the effects
- 35 of alcohol, tobacco, drugs, and other substances on the human
- 36 body.
- 37 (g) An eligible school ~~charter school, or public school~~ shall not
- 38 teach the violent overthrow of the government of the United States.
- 39 (h) Nothing in this section shall be construed to limit the
- 40 requirements of IC 20-30-5.
- 41 SECTION 8. IC 20-51-4-3, AS AMENDED BY P.L.6-2012,
- 42 SECTION 144, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2016]: Sec. 3. (a) An eligible school may not discriminate on the basis of race, color, or national origin.

(b) An eligible school shall abide by the school's written admission policy fairly and without discrimination with regard to students who:

(1) apply for; or

(2) are awarded;

scholarships under this chapter.

(c) If the number of applicants for enrollment in an eligible school under a choice scholarship exceeds the number of choice scholarships available to the eligible school, the eligible school must draw at random in a public meeting the applications of applicants who are entitled to a choice scholarship from among the applicants who meet the requirements for admission to the eligible school.

(d) The department shall make random visits to at least five percent (5%) of eligible schools ~~and charter schools~~ **during a particular school year** to verify that the eligible school ~~or charter school~~ complies with the provisions of this chapter and the Constitutions of the state of Indiana and the United States.

(e) Each eligible school ~~public school, and charter school~~ shall grant the department reasonable access to its premises, including access to the school's grounds, buildings, and property.

(f) Each year the principal of each eligible school shall certify under penalties of perjury to the department that the eligible school is complying with the requirements of this chapter. The department shall develop a process for eligible schools to follow to make certifications.

SECTION 9. IC 20-51-4-4, AS AMENDED BY P.L.213-2015, SECTION 233, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) The amount an eligible choice scholarship student is entitled to receive under this chapter for a school year is equal to the following:

(1) The least of the following:

(A) The sum of the tuition, transfer tuition, and fees required for enrollment or attendance of the eligible choice scholarship student at the eligible school selected by the eligible choice scholarship student for a school year that the eligible choice scholarship student (or the parent of the eligible choice scholarship student) would otherwise be obligated to pay to the eligible school.

(B) An amount equal to:

(i) ninety percent (90%) of the state tuition support amount determined under section 5 of this chapter if the eligible choice scholarship student is a member of a household with



1 an annual income of not more than the amount required for
 2 the eligible choice scholarship student to qualify for the
 3 federal free or reduced price lunch program; and
 4 (ii) fifty percent (50%) of the state tuition support amount
 5 determined under section 5 of this chapter if the eligible
 6 choice scholarship student is a member of a household with
 7 an annual income of, in the case of an individual not
 8 described in section 2.5 of this chapter, not more than one
 9 hundred fifty percent (150%) of the amount required for the
 10 eligible choice scholarship student to qualify for the federal
 11 free or reduced price lunch program or, in the case of an
 12 individual described in section 2.5 of this chapter, not more
 13 than two hundred percent (200%) of the amount required for
 14 the eligible choice scholarship student to qualify for the
 15 federal free or reduced price lunch program.

16 (2) In addition, if the eligible choice scholarship student has been
 17 identified as eligible for special education services under
 18 IC 20-35 and the eligible school provides the necessary special
 19 education or related services to the eligible choice scholarship
 20 student, any amount that a school corporation would receive
 21 under IC 20-43-7 for the eligible choice scholarship student if the
 22 eligible choice scholarship student attended the school
 23 corporation. **However, if an eligible choice scholarship student**
 24 **changes schools during the school year after the December 1**
 25 **count under IC 20-43-7-1 of eligible pupils enrolled in special**
 26 **education programs and the eligible choice scholarship**
 27 **student enrolls in a different eligible school, any choice**
 28 **scholarship amounts paid to the eligible choice scholarship**
 29 **student for the remainder of the school year after the eligible**
 30 **choice scholarship student enrolls in the different eligible**
 31 **school shall not include amounts that a school corporation**
 32 **would receive under IC 20-43-7 for the eligible choice**
 33 **scholarship student if the eligible choice scholarship student**
 34 **attended the school corporation.**

35 (b) The amount an eligible choice scholarship student is entitled
 36 to receive under this chapter if the eligible student applies for the
 37 choice scholarship under section 7(e)(2) of this chapter shall be
 38 reduced on a prorated basis in the manner prescribed in section 6
 39 of this chapter.

40 SECTION 10. IC 20-51-4-4.5, AS AMENDED BY P.L.26-2014,
 41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2017]: Sec. 4.5. (a) If an eligible choice scholarship student:



1 (1) who attends school at a choice scholarship school; and

2 (2) who is eligible to receive special education funds under
3 IC 20-43-7;

4 chooses to receive special education services at a school corporation
5 required to provide special education services to the eligible choice
6 scholarship student under 511 IAC 7-34-1, the special education funds
7 under IC 20-43-7 for that student will be made available to the school
8 corporation where the student receives special education services.

9 (b) Notwithstanding 511 IAC 7-34-1(d)(4), a public school is not
10 required to make available special education and related services to an
11 eligible choice scholarship student if the eligible choice scholarship
12 student receives funds under section ~~4(2)~~ **4(a)(2)** of this chapter and the
13 special education services are provided to the eligible choice
14 scholarship student by the eligible school. This subsection may not be
15 construed as a restriction or limitation on any of the rights, benefits,
16 and protections granted to an individual under the federal Individuals
17 with Disabilities Education Improvement Act of 2004 (20 U.S.C. 1400
18 et seq.).

19 (c) A school corporation may not include an eligible choice
20 scholarship student who receives an amount under section ~~4(2)~~ **4(a)(2)**
21 of this chapter in the school corporation's count under IC 20-43-7.

22 SECTION 11. IC 20-51-4-4.6, AS ADDED BY P.L.211-2013,
23 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2017]: Sec. 4.6. (a) The state board shall adopt rules under
25 IC 4-22-2, including emergency rules adopted in the manner provided
26 under IC 4-22-2-37.1, for the provision of special education or related
27 services to an eligible choice scholarship student who receives an
28 amount under section ~~4(2)~~ **4(a)(2)** of this chapter. The rules adopted
29 under this section shall include annual reporting requirements,
30 monitoring, and consequences for noncompliance by an eligible school.

31 (b) An emergency rule adopted by the state board under this section
32 expires on the earliest of the following dates:

33 (1) The expiration date stated in the emergency rule.

34 (2) The date the emergency rule is amended or repealed by a later
35 rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under
36 IC 4-22-2-37.1.

37 (3) One (1) year after the date the emergency rule is adopted.

38 SECTION 12. IC 20-51-4-5, AS AMENDED BY P.L.211-2013,
39 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2017]: Sec. 5. The state tuition support amount to be used in
41 section ~~4(1)(B)~~ **4(a)(1)(B)** of this chapter for an eligible choice
42 scholarship student is the amount determined under the last STEP of



the following formula:

STEP ONE: Determine the school corporation in which the eligible choice scholarship student has legal settlement.

STEP TWO: Determine the amount of state tuition support that the school corporation identified under STEP ONE is eligible to receive under IC 20-43 for the state fiscal year in which the current school year begins, excluding amounts provided for special education grants under IC 20-43-7 and career and technical education grants under IC 20-43-8.

STEP THREE: Determine the result of:

(A) the STEP TWO amount; divided by

(B) the current ADM (as defined in IC 20-43-1-10) for the school corporation identified under STEP ONE for the state fiscal year used in STEP TWO.

SECTION 13. IC 20-51-4-6, AS AMENDED BY P.L.211-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) If an eligible choice scholarship student enrolls in an eligible school for less than an entire school year, the choice scholarship provided under this chapter for that school year shall be reduced on a prorated basis to reflect the shorter school term.

(b) ~~An eligible choice scholarship student is entitled to only one (1) choice scholarship for each school year. If the eligible choice scholarship student leaves the eligible school for which the eligible choice scholarship student was awarded a choice scholarship and enrolls in another eligible school, the eligible choice scholarship student is responsible for the payment of any tuition required for the remainder of that school year.~~

SECTION 14. IC 20-51-4-7, AS AMENDED BY P.L.239-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) The department shall administer this chapter.

(b) The department shall approve an application for an eligible school within fifteen (15) days after the date the school requests to participate in the choice scholarship program.

(c) The department shall approve an application for a choice scholarship student within fifteen (15) days after the date the student requests to participate in the choice scholarship program.

(d) Each year, at a minimum, the department shall accept applications from March 1 through September 1 for

~~(1) choice scholarship students; or~~

~~(2) eligible schools~~

for the upcoming school year.



(e) Each year, at a minimum, the department shall accept applications for choice scholarship students from:

(1) March 1 through September 1 for the upcoming school year; and

(2) September 2 through January 15 for the spring semester of the current school year.

(f) This chapter may not be construed in a manner that would impose additional requirements for approving an application for an eligible school placed in a "null" or "no letter grade" category established under IC 20-31-8-3(b).

(g) The department shall adopt rules under IC 4-22-2 to implement this chapter.

(h) The department may adopt emergency rules under IC 4-22-2-37.1 to implement this chapter.

SECTION 15. IC 20-51-4-10, AS AMENDED BY P.L.211-2013, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. The department shall distribute choice scholarships at least once each semester, or at equivalent intervals. The department may distribute the choice scholarship to the eligible choice scholarship student (or the parent of the eligible choice scholarship student) for the purpose of paying the educational costs described in section 4(1)(A) of this chapter (before January 1, 2017) or in section 4(a)(1)(A) of this chapter (after December 31, 2016). For the distribution to be valid, the distribution must be endorsed by both the eligible choice scholarship student (or the parent of the eligible choice scholarship student) and the eligible school providing educational services to the eligible choice scholarship student must annually sign a form, prescribed by the department to endorse distributions for the particular school year. If:

(1) an eligible choice scholarship student who is receiving a choice scholarship for a school year changes schools during the school year after signing the form to endorse distributions for that school year; and

(2) the eligible choice scholarship student enrolls in a different eligible school that has not signed the form to endorse distributions for that school year;

the eligible choice scholarship student (or the parent of the eligible choice scholarship student) and the eligible school must sign the form prescribed by the department to endorse distributions for the particular school year.

SECTION 16. IC 31-33-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) If an individual



1 is required to make a report under this article in the individual's
 2 capacity as a member of the staff of a medical or other public or private
 3 institution, school, facility, or agency, the individual shall immediately
 4 notify the individual in charge of the institution, school, facility, or
 5 agency or the designated agent of the individual in charge of the
 6 institution, school, facility, or agency.

7 (b) An individual notified under subsection (a) shall **immediately**
 8 report or cause a report to be made to:

9 **(1) the department; or**

10 **(2) the local law enforcement agency.**

11 SECTION 17. IC 35-50-10 IS ADDED TO THE INDIANA CODE
 12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2016]:

14 **Chapter 10. Criminal Conviction Information for Teachers**

15 **Sec. 1. (a) If an individual is a teacher in a primary or secondary**
 16 **school, including a public or nonpublic school, and is convicted of:**

17 **(1) kidnapping (IC 35-42-3-2);**

18 **(2) criminal confinement (IC 35-42-3-3);**

19 **(3) rape (IC 35-42-4-1);**

20 **(4) criminal deviate conduct (IC 35-42-4-2) (before its repeal);**

21 **(5) child molesting (IC 35-42-4-3);**

22 **(6) child exploitation (IC 35-42-4-4(b));**

23 **(7) vicarious sexual gratification (IC 35-42-4-5);**

24 **(8) child solicitation (IC 35-42-4-6);**

25 **(9) child seduction (IC 35-42-4-7);**

26 **(10) sexual misconduct with a minor (IC 35-42-4-9);**

27 **(11) incest (IC 35-46-1-3);**

28 **(12) dealing in or manufacturing cocaine or a narcotic drug**
 29 **(IC 35-48-4-1);**

30 **(13) dealing in methamphetamine (IC 35-48-4-1.1);**

31 **(14) dealing in a schedule I, II, or III controlled substance**
 32 **(IC 35-48-4-2);**

33 **(15) dealing in a schedule IV controlled substance**
 34 **(IC 35-48-4-3);**

35 **(16) dealing in a schedule V controlled substance**
 36 **(IC 35-48-4-4);**

37 **(17) dealing in a counterfeit substance (IC 35-48-4-5);**

38 **(18) dealing in marijuana, hash oil, hashish, or salvia as a**
 39 **felony (IC 35-48-4-10);**

40 **(19) dealing in a synthetic drug or synthetic drug lookalike**
 41 **substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its**
 42 **amendment in 2013);**



(20) possession of child pornography (IC 35-42-4-4(c));

(21) homicide (IC 35-42-1);

(22) voluntary manslaughter (IC 35-42-1-3);

(23) reckless homicide (IC 35-42-1-5);

(24) battery (IC 35-42-2-1) as:

(A) a Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014);

(B) a Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014); or

(C) a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);

(25) aggravated battery (IC 35-42-2-1.5);

(26) robbery (IC 35-42-5-1);

(27) carjacking (IC 35-42-5-2) (before its repeal);

(28) arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a));

(29) burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1);

(30) attempt under IC 35-41-5-1 to commit an offense listed in this subsection; or

(31) conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection;

the judge who presided over the trial or accepted a plea agreement shall give written notice of the conviction to the state superintendent and the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or, if the individual is employed in a public school, the superintendent of the school district in which the individual is employed.

(b) Notice under subsection (a) must occur not later than seven (7) days after the date the judgment is entered.

(c) The notification sent to a school or school district under subsection (a) must include only the felony for which the individual was convicted.

(d) If a judge later modifies the individual's sentence after giving notice under this section, the judge shall notify the school or



1 the school district of the modification.

2 (e) After receiving a notification under subsection (a), the
3 superintendent shall initiate procedures to revoke the individual's
4 license to teach.

5 SECTION 18. [EFFECTIVE UPON PASSAGE] (a) The legislative
6 council is urged to assign to an appropriate study committee
7 during the 2016 legislative interim the topics of ways to reduce
8 school sexual misconduct violations and methods of improving the
9 reporting requirements of sexual misconduct violations in schools.

10 (b) This SECTION expires December 31, 2016.

11 SECTION 19. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 334, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- Page 5, line 27, reset in roman "department".
- Page 5, line 27, delete "state board".
- Page 5, line 29, reset in roman "department".
- Page 5, line 29, delete "state board".
- Page 6, line 1, delete "state board" and insert "**department**".
- Page 6, delete lines 3 through 8.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 334 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 9, Nays 1.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 334, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 2 through 7 with "[EFFECTIVE JULY 1, 2017]".

Page 3, line 8, after "corporation." insert "**However, if an eligible choice scholarship student changes schools during the school year after the December 1 count under IC 20-43-7-1 of eligible pupils enrolled in special education programs and the eligible choice scholarship student enrolls in a different eligible school, any choice scholarship amounts paid to the eligible choice scholarship student for the remainder of the school year after the eligible choice scholarship student enrolls in the different eligible school shall not include amounts that a school corporation would receive under IC 20-43-7 for the eligible choice scholarship student if the eligible choice scholarship student attended the school corporation.**".

Page 5, line 38, reset in roman "4(1)(A)".

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Page 5, line 38, after "4(1)(A)" insert **"of this chapter (before January 1, 2017) or in section"**.

Page 5, line 38, after "chapter" delete "." and insert **"(after December 31, 2016)."**.

Page 6, line 2, after "year." insert **"If:**

(1) an eligible choice scholarship student who is receiving a choice scholarship for a school year changes schools during the school year after signing the form to endorse distributions for that school year; and

(2) the eligible choice scholarship student enrolls in a different eligible school that has not signed the form to endorse distributions for that school year;

the eligible choice scholarship student (or the parent of the eligible choice scholarship student) and the eligible school must sign the form prescribed by the department to endorse distributions for the particular school year."

and when so amended that said bill do pass.

(Reference is to SB 334 as printed January 22, 2016.)

KENLEY, Chairperson

Committee Vote: Yeas 11, Nays 2.

SENATE MOTION

Madam President: I move that Senate Bill 334 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-51-4-1, AS ADDED BY P.L.92-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided under subsections (b) through (h), it is the intent of the general assembly to honor the autonomy of nonpublic schools that choose to become eligible schools under this chapter. A nonpublic eligible school is not an agent of the state or federal government, and therefore:

(1) the department or any other state agency may not in any way regulate the educational program of a nonpublic eligible school that accepts a choice scholarship under this chapter, including the regulation of curriculum content, religious instruction or activities, classroom teaching, teacher and staff hiring

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requirements, and other activities carried out by the eligible school;

(2) the creation of the choice scholarship program does not expand the regulatory authority of the state, the state's officers, or a school corporation to impose additional regulation of nonpublic schools beyond those necessary to enforce the requirements of the choice scholarship program in place on July 1, 2011; and

(3) a nonpublic eligible school shall be given the freedom to provide for the educational needs of students without governmental control.

(b) This section applies to the following writings, documents, and records:

- (1) The Constitution of the United States.
- (2) The national motto.
- (3) The national anthem.
- (4) The Pledge of Allegiance.
- (5) The Constitution of the State of Indiana.
- (6) The Declaration of Independence.
- (7) The Mayflower Compact.
- (8) The Federalist Papers.
- (9) "Common Sense" by Thomas Paine.
- (10) The writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States.
- (11) United States Supreme Court decisions.
- (12) Executive orders of the presidents of the United States.
- (13) Frederick ~~Douglas~~ **Douglass's** speech at Rochester, New York, on July 5, 1852, entitled "What to a the Slave is the Fourth of July?".
- (14) "Appeal" by David Walker.
- (15) Chief Seattle's letter to the United States government in 1852 in response to the United States government's inquiry regarding the purchase of tribal lands.

(c) An eligible school may allow a principal or teacher in the eligible school to read or post in the school building or classroom or at a school event any excerpt or part of a writing, document, or record listed in subsection (b).

(d) An eligible school may not permit the content based censorship of American history or heritage based on religious references in a writing, document, or record listed in subsection (b).

(e) A library, a media center, or an equivalent facility that an eligible school maintains for student use must contain in the facility's permanent collection at least one (1) copy of each writing or document



listed in subsection (b)(1) through (b)(9).

(f) An eligible school shall do the following:

- (1) Allow a student to include a reference to a writing, document, or record listed in subsection (b) in a report or other work product.
- (2) May not punish the student in any way, including a reduction in grade, for using the reference.

(3) Display the United States flag in each classroom.

(4) Provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds. A student is exempt from participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if:

- (A) the student chooses to not participate; or
- (B) the student's parent chooses to have the student not participate.

(5) Provide instruction on the constitutions of:

- (A) Indiana; and
- (B) the United States.

(6) For an eligible school that enrolls students in grades 6 through 12, provide within the two (2) weeks preceding a general election five (5) full recitation periods of class discussion concerning:

- (A) the system of government in Indiana and in the United States;
- (B) methods of voting;
- (C) party structures;
- (D) election laws; and
- (E) the responsibilities of citizen participation in government and in elections.

(7) Require that each teacher employed by the eligible school present instruction with special emphasis on:

- (A) honesty;
- (B) morality;
- (C) courtesy;
- (D) obedience to law;
- (E) respect for the national flag and the Constitution of the State of Indiana and the Constitution of the United States;
- (F) respect for parents and the home;
- (G) the dignity and necessity of honest labor; and
- (H) other lessons of a steadying influence that tend to promote and develop an upright and desirable citizenry.

(8) Provide good citizenship instruction that stresses the nature and importance of the following:



- (A) Being honest and truthful.
 - (B) Respecting authority.
 - (C) Respecting the property of others.
 - (D) Always doing the student's personal best.
 - (E) Not stealing.
 - (F) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.
 - (G) Taking personal responsibility for obligations to family and community.
 - (H) Taking personal responsibility for earning a livelihood.
 - (I) Treating others the way the student would want to be treated.
 - (J) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
 - (K) Respecting the student's parents and home.
 - (L) Respecting the student's self.
 - (M) Respecting the rights of others to have their own views and religious beliefs.
- (9) Provide instruction in the following studies:
- (A) Language arts, including:
 - (i) English;
 - (ii) grammar;
 - (iii) composition;
 - (iv) speech; and
 - (v) second languages.
 - (B) Mathematics.
 - (C) Social studies and citizenship, including the:
 - (i) constitutions;
 - (ii) governmental systems; and
 - (iii) histories;
 of Indiana and the United States, including a study of the Holocaust and the role religious extremism played in the events of September 11, 2001, in each high school United States history course.
 - (D) Sciences.
 - (E) Fine arts, including music and art.
 - (F) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.
- (g) An eligible school ~~charter school, or public school~~ shall not teach the violent overthrow of the government of the United States.



(h) Nothing in this section shall be construed to limit the requirements of IC 20-30-5."

Page 1, line 17, strike "and charter schools".

Page 2, line 1, strike "or charter school".

Page 2, line 4, after "eligible school" delete ",".

Page 2, line 4, strike "public school, and charter school".

Renumber all SECTIONS consecutively.

(Reference is to SB 334 as printed January 29, 2016.)

YODER

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 334, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-26-2-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.3. "Expanded child protection index check" means:**

(1) an inquiry with the department of child services as to whether an individual has been the subject of a substantiated report of child abuse or neglect and is listed in the child protection index established under IC 31-33-26-2;

(2) an inquiry with the child welfare agency of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether there are any substantiated reports that the individual has committed child abuse or neglect; and

(3) for a certificated employee, an inquiry with the department of education or other entity that may issue a license to teach of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether the individual has ever had a teaching license suspended or revoked.

SECTION 2. IC 20-26-5-10, AS AMENDED BY P.L.121-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. **(a) This section applies to a:**

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- (1) school corporation;
- (2) charter school; or
- (2) a nonpublic school that employs one (1) or more employees.

~~(a)~~ (b) A school corporation, including a charter school and ~~an accredited~~ a nonpublic school, shall adopt a policy concerning criminal history information for individuals who:

- (1) apply for:
 - (A) employment with the school corporation, **charter school, or nonpublic school**; or
 - (B) employment with an entity with which the school corporation, **charter school, or nonpublic school** contracts for services;
- (2) seek to enter into a contract to provide services to the school corporation, **charter school, or nonpublic school**; or
- (3) are employed by an entity that seeks to enter into a contract to provide services to the school corporation, **charter school, or nonpublic school**;

if the individuals are likely to have direct, ongoing contact with children within the scope of the individuals' employment.

~~(b)~~ (c) A school corporation, including a charter school and ~~an accredited~~ a nonpublic school, shall administer a policy adopted under this section uniformly for all individuals to whom the policy applies. A policy adopted under this section must require that the school corporation, charter school, or ~~accredited~~ nonpublic school conduct an expanded criminal history check **and an expanded child protection index check** concerning each applicant for noncertificated employment or certificated employment before or not later than three (3) months after the applicant's employment by the school corporation, charter school, or ~~accredited~~ nonpublic school. Each individual hired for noncertificated employment or certificated employment may be required to provide a written consent for the school corporation, charter school, or ~~accredited~~ nonpublic school to request an expanded criminal history check **and an expanded child protection index check** concerning the individual before or not later than three (3) months after the individual's employment by the school corporation **or school**. The school corporation, charter school, or ~~accredited~~ nonpublic school may require the individual to provide a set of fingerprints and pay any fees required for the expanded criminal history check **and expanded child protection index check**. Each applicant for noncertificated employment or certificated employment may be required at the time the individual applies to answer questions concerning the individual's



expanded criminal history check **and expanded child protection index check**. The failure to answer honestly questions asked under this subsection is grounds for termination of the employee's employment. The applicant is responsible for all costs associated with obtaining the expanded criminal history check **and expanded child protection index check**. An applicant may not be required by a school corporation, charter school, or ~~accredited~~ nonpublic school to obtain an expanded criminal history check **or an expanded child protection index check** more than one (1) time during a five (5) year period.

~~(c)~~ (d) Information obtained under this section must be used in accordance with law.

SECTION 3. IC 20-26-5-11, AS AMENDED BY P.L.233-2015, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) This section applies to:

- (1) a school corporation;
- (2) a charter school; and
- (3) an entity:
 - (A) with which the school corporation contracts for services; and
 - (B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2) (repealed).
- (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.



(13) Incest (IC 35-46-1-3).

(14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(15) Child selling (IC 35-46-1-4(d)).

(16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(21) An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

(c) An individual employed by a school corporation, charter school, or an entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

(d) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual being the subject of a substantiated report of child abuse or neglect as grounds to not employ or contract with the individual.

(e) An individual employed by a school corporation, charter



school, or entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is the subject of a substantiated report of child abuse or neglect.

SECTION 4. IC 20-26-5-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11.5. (a) As used in this section, "school" includes:

- (1) a charter school, as defined in IC 20-24-1-4;**
- (2) a nonpublic school, as defined in IC 20-18-2-12, that employs one (1) or more employees;**
- (3) a public school, as defined in IC 20-18-2-15(1); and**
- (4) an entity in another state that carries out a function similar to an entity described in subdivisions (1) through (3).**

(b) Notwithstanding any confidentiality agreement entered into by a school and an employee of the school, a school that receives a request for an employment reference, from another school, for a current or former employee, shall disclose to the requesting school any incident known by the school in which the employee committed an act resulting in a substantiated report of abuse or neglect under IC 31-6 (before its repeal) or IC 31-33.

(c) A school may not disclose information under this section that:

- (1) identifies a student; or**
- (2) is confidential student information under the federal Family Education Rights and Privacy Act (20 U.S.C. 1232g et seq.).**

(d) A confidentiality agreement entered into or amended after June 30, 2016, by a school and an employee is not enforceable against the school if the employee committed an act resulting in a substantiated report of abuse or neglect under IC 31-6 (before its repeal) or IC 31-33.

SECTION 5. IC 20-43-7-1, AS AMENDED BY P.L.205-2013, SECTION 290, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) In addition to the amount a school corporation is entitled to receive in basic tuition support, each school corporation is entitled to receive a grant for special education programs for the state fiscal year. Subject to subsections (b) and (c), the amount of the special education grant is based on the count of eligible pupils enrolled in special education programs on December 1 of the preceding state fiscal year in:

- (1) the school corporation; or**



(2) a transferee corporation.

(b) Before February 1 of each calendar year, the department shall determine the result of:

(1) the total amount of the special education grant that would have been received by the school corporation during the months of July, August, September, October, November, and December of the preceding calendar year and January of the current calendar year if the grant had been based on the count of students with disabilities that was made on the immediately preceding December 1; minus

(2) the total amount of the special education grant received by the school corporation during the months of July, August, September, October, November, and December of the preceding calendar year and January of the current calendar year.

If the result determined under this subsection is positive, the school corporation shall receive an additional special education grant distribution in February equal to the result determined under this subsection. If the result determined under this subsection is negative, the special education grant distributions that otherwise would be received by the school corporation in February, March, April, and May shall be proportionately reduced so that the total reduction is equal to the result determined under this subsection.

(c) The special education grant distributions made in February, March, April, May, and June of a calendar year shall be based on the count of students with disabilities that was made on the immediately preceding December 1.

(d) After June 30, 2016, in addition to the December 1 count, a second count of eligible pupils enrolled in special education programs shall be conducted. The count must be in the spring semester on a date fixed by the state board. The spring count of eligible students shall be used for informational purposes and is not used to calculate grant amounts under this chapter.

SECTION 6. IC 20-43-7-5, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) In a school corporation's cumulative count of pupils in homebound programs, a school corporation shall count each pupil who received homebound instruction up to and including December 1 of the current year plus each pupil who received homebound instruction after December 1 of the prior school year.

(b) This subsection applies to a state fiscal year starting after June 30, 2016. In addition to the cumulative count described in subsection (a), a school corporation shall conduct a cumulative



count of pupils in homebound programs for informational purposes and is not used to calculate grants under this chapter. In a school corporation's informational cumulative count of pupils in homebound programs, a school corporation shall count each pupil who received homebound instruction:

- (1) for the December 1 count, up to and including the December 1 count date of the current year plus each pupil who received homebound instruction after the spring count date of the prior school year; and
- (2) for the spring count, up to and including the spring count date of the current year plus each pupil who received homebound instruction after the December 1 count date of the current school year.

~~(b)~~ (c) A school corporation may include a pupil in the school corporation's cumulative count of pupils in homebound programs even if the pupil also is included in the school corporation's:

- (1) nonduplicated count of pupils in programs for severe disabilities;
- (2) nonduplicated count of pupils in programs for mild and moderate disabilities; or
- (3) duplicated count of pupils in programs for communication disorders."

Page 9, after line 39, begin a new paragraph and insert:

"SECTION 9. IC 31-33-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) If an individual is required to make a report under this article in the individual's capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, the individual shall immediately notify the individual in charge of the institution, school, facility, or agency or the designated agent of the individual in charge of the institution, school, facility, or agency.

(b) An individual notified under subsection (a) shall **immediately** report or cause a report to be made to:

- (1) the department; or
- (2) the local law enforcement agency.

SECTION 10. IC 35-50-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 10. Criminal Conviction Information for Teachers

Sec. 1. (a) If an individual is a teacher in a primary or secondary school, including a public or nonpublic school, and is convicted of:

- (1) kidnapping (IC 35-42-3-2);



- (2) criminal confinement (IC 35-42-3-3);
- (3) rape (IC 35-42-4-1);
- (4) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
- (5) child molesting (IC 35-42-4-3);
- (6) child exploitation (IC 35-42-4-4(b));
- (7) vicarious sexual gratification (IC 35-42-4-5);
- (8) child solicitation (IC 35-42-4-6);
- (9) child seduction (IC 35-42-4-7);
- (10) sexual misconduct with a minor (IC 35-42-4-9);
- (11) incest (IC 35-46-1-3);
- (12) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
- (13) dealing in methamphetamine (IC 35-48-4-1.1);
- (14) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
- (15) dealing in a schedule IV controlled substance (IC 35-48-4-3);
- (16) dealing in a schedule V controlled substance (IC 35-48-4-4);
- (17) dealing in a counterfeit substance (IC 35-48-4-5);
- (18) dealing in marijuana, hash oil, hashish, or salvia as a felony (IC 35-48-4-10);
- (19) dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its amendment in 2013);
- (20) possession of child pornography (IC 35-42-4-4(c));
- (21) homicide (IC 35-42-1);
- (22) voluntary manslaughter (IC 35-42-1-3);
- (23) reckless homicide (IC 35-42-1-5);
- (24) battery (IC 35-42-2-1) as:
 - (A) a Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014);
 - (B) a Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014); or
 - (C) a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
- (25) aggravated battery (IC 35-42-2-1.5);
- (26) robbery (IC 35-42-5-1);
- (27) carjacking (IC 35-42-5-2) (before its repeal);



(28) arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a));

(29) burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1);

(30) attempt under IC 35-41-5-1 to commit an offense listed in this subsection; or

(31) conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection;

the judge who presided over the trial or accepted a plea agreement shall give written notice of the conviction to the state superintendent and the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or, if the individual is employed in a public school, the superintendent of the school district in which the individual is employed.

(b) Notice under subsection (a) must occur not later than seven (7) days after the date the judgment is entered.

(c) The notification sent to a school or school district under subsection (a) must include only the felony for which the individual was convicted.

(d) If a judge later modifies the individual's sentence after giving notice under this section, the judge shall notify the school or the school district of the modification.

(e) After receiving a notification under subsection (a), the superintendent shall initiate procedures to revoke the individual's license to teach.

SECTION 11. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate study committee during the 2016 legislative interim the topics of ways to reduce school sexual misconduct violations and methods of improving the



reporting requirements of sexual misconduct violations in schools.

(b) This SECTION expires December 31, 2016.

SECTION 12. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 334 as reprinted February 2, 2016.)

BEHNING

Committee Vote: yeas 8, nays 4.

